

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the  
City of Fort Wayne (as more specifically described below)  
was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-  
4-12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
public alley within the City of Fort Wayne, more  
specifically described as follows, to-wit:

Commencing at the intersection of the south right-  
of-way line of Oakdale Drive and the northeast  
corner of Lot 2 in Koehler Heights Addition to the  
City of Fort Wayne; thence south along the east  
line of Lots 2, 3, 4, 5, 6, and 7 in Koehler  
Heights Addition; thence continuing south along  
the east line of the portion of Lot 1 Koehler  
Estates lying south of Lot 7 Koehler Heights  
Addition and north of Lot 1 Sprang's Addition;  
thence continuing south along the east line of  
Lots 1, 2, 3, 4, and 5 in Sprang's Addition to the  
southeast corner of Lot 5 in Sprang's Addition;  
thence east along an extension of the south line  
of Lot 5 in Sprang's Addition to a point on the  
west line of Lot 12 in Sprang's Addition; thence  
north along the west line of Lots 12, 11, 10, 9,  
8, and 7 in Sprang's Addition; thence continuing  
north along the west line of Lots 8, 9, 10, 11,  
12, and 13 in Koehler Heights Addition; thence  
continuing north along the west line of that part  
of Lot 1 Koehler Estates lying north of Lot 13 in



Koehler Heights Addition to the south right-of-way  
line of Oakdale; thence west to the point of  
beginning.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

\_\_\_\_\_  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1988,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk



#371  
1 BILL NO. G-88-10-09

2 GENERAL ORDINANCE NO. G-\_\_\_\_\_

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating an alley thereof.

6 WHEREAS, a petition to vacate a public alley within the  
7 City of Fort Wayne (as more specifically described below)  
8 was duly filed with the City Planning Commission; and

9 WHEREAS, said Commission duly held a public hearing  
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its  
12 recommendation to this body approving said petition, all in  
13 accordance with I.C. 36-7-4-512(2) and this body having held  
14 a public hearing on said vacation as provided in I.C. 36-7-  
15 4-12; and

16 WHEREAS, this body concurs in the recommendation of the  
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate a  
21 public alley within the City of Fort Wayne, more  
22 specifically described as follows, to-wit:

23 Commencing at the northeast corner of Lot 2 in  
24 Koehler Heights Addition to the City of Fort  
25 Wayne; thence south along the east line of Lots 2  
26 through 7 in Koehler Heights Addition, the east  
27 line of the portion of Lot 1 Koehler Estates lying  
28 south of Lot 7 Koehler Heights Addition and north  
29 of Lot 1 Sprang's Addition, the east line of Lots  
30 1 through 6 in Sprang's Addition the East line of  
31 the portion of Lot 3 Koehler Estates lying south  
32 of Lot 6 Sprang's Addition and the East line of  
Lots 7 and 3 Treace's Addition to the southwest  
corner of Lot 3 Treace's Addition; thence east to  
the southwest corner of Lot 4 Treace's Addition;  
thence North along the West line of Lot 4 Treace's  
Addition, the west line of Lots 14, 13, 12, 11,  
10, 9, 8 and 7 in Sprang's Addition, the west line  
of Lots 8 through 13 in Koehler Heights Addition,  
and the west line of that part of Lot 1 Koehler  
Estates lying north of Lot 13 Koehler Heights  
Addition to the northwest corner of said tract;  
thence west to the place of beginning.



#371

1  
2 and which vacating amends the Thoroughfare Plan of the City  
3 Comprehensive ("Master") Plan and is hereby approved in all  
4 respects.

5 SECTION 2. That this Ordinance shall be in full force  
6 and effect from and after its passage, any and all necessary  
7 approval by the Mayor.

8 Janet G. Bradbury  
COUNCILMEMBER

9 APPROVED AS TO FORM AND LEGALITY:

10 J. Timothy McCaulay  
11 J. TIMOTHY MCCAULAY, CITY ATTORNEY

12 \*\* Public hearing to be held on \_\_\_\_\_,  
13 the \_\_\_\_\_ day of \_\_\_\_\_, 1988,  
14 in the Council Chambers.

15  
16  
17 Sandra E. Kennedy, City Clerk  
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Read the first time in full and on motion by Bradbury, seconded by John, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 10-11-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by John, and duly adopted, placed on its passage. PASSED LOST by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT</u> |
|--------------------|-------------|-------------|------------------|---------------|---------------|
| <u>TOTAL VOTES</u> | <u>9</u>    | _____       | _____            | _____         | _____         |
| <u>BRADBURY</u>    | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>BURNS</u>       | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>GiaQUINTA</u>   | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>HENRY</u>       | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>LONG</u>        | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>REDD</u>        | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>SCHMIDT</u>     | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>STIER</u>       | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>TALARICO</u>    | <u>✓</u>    | _____       | _____            | _____         | _____         |

DATE: 4-11-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL)  
~~(SPECIAL)~~ (ZONING MAP) ORDINANCE RESOLUTION NO. N-07-89  
on the 11th day of April, 1989,

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

SEAL

Charles S. Reed  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of April, 1989, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19th day of April, 1989, at the hour of 4:45 o'clock P. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 2819

FT. WAYNE, IND., 9-16 '88

RECEIVED FROM

Hoyes Smith & Co

\$

100.00

THE SUM OF

one hundred & 00/100

DOLLARS

ON ACCOUNT OF

Alley Vacation

AUTHORIZED SIGNATURE



Date Filed: \_\_\_\_\_

Vacation Petition

I/We RUDISILL PLAZA ASSOCIATES, an Indiana General Partnership  
(Applicant's Name or Names)

PETITION TO VACATE Alley  
(Street, Alley, Utility Easement, Plat,  
\_\_\_\_\_  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully  
petition the Fort Wayne City Plan Commission to vacate the  
following Alley with the City of Fort  
Wayne, Indiana, and hereby described as follows:

Commencing at the northeast corner of Lot 2 in Koehler Heights Addition to  
the City of Fort Wayne; thence south along the east line of Lots 2 through 7  
in Koehler Heights Addition, the east line of the portion of Lot 1 Koehler  
Estates lying south of Lot 7 Koehler Heights Addition and north of Lot 1  
Sprang's Addition, the east line of Lots 1 through 6 in Sprang's Addition  
the East line of the portion of Lot 3 Koehler Estates lying south of Lot 6  
Sprang's Addition and the East line of Lots 7 and 3 (continued on reverse side)  
(Legal Description of property being vacated) If additional  
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as  
follows:

(List reasons for requesting vacation.)

1. That applicant and adjacent property owners are either the owners of or  
have an option to purchase all of the lots that border the alley sought  
to be vacated.
2. The alley sought to be vacated is not necessary as ingress and egress to  
other properties whatsoever.
3. That applicant plans to improve its real estate as a (continued on reverse)  
(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority  
granted in Indiana Code, Section 36-7-4-512 in order to complete  
the vacation as above described.

WHEREFORE, your petitioner(s) pray that the above described  
alley be vacated according to the provisions  
of the Indiana Law pertaining thereto.

DATED THIS 16th DAY OF September 1988

RUDISILL PLAZA ASSOCIATES  
an Indiana General Partnership  
(John V. Tippmann, Partner)

~~Adjacent Property Owner~~

Typed Name

3711 Rupp Drive

Fort Wayne, IN 46815

Address

John V. Tippmann  
Signature

(See attached sheet)

Adjacent Property Owner

Typed Name

Address

Signature

Owner in fee simple or Owner of options to purchase all properties except  
Lots 2 and 3 Koehler Estates and Lot 4 Treace's Addition.



**Legal Description of Property:**

Treace's Addition to the southeast corner of Lot 3 Treace's Addition; thence east to the southwest corner of Lot 4 Treace's Addition; thence North along the west line of Lot 4 Treace's Addition, the west line of Lots 14, 13, 12, 11, 10, 9, 8 and 7 in Sprang's Addition, the west line of Lots 3 through 13 in Koehler Heights Addition, and the west line of that part of Lot 1 Koehler Estates lying north of Lot 13 Koehler Heights Addition to the northwest corner of said tract; thence west to the place of beginning

**Additional Reasons for Vacation Request:**

parking lot to be used in connection with its commercial building located at the northwest corner of Clinton and Rudisill (old "Sears" Building).

4. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that vacation of the alley would be in the best interest of the City and the citizens thereof.

**Owners of Adjacent Property:**

(see attached sheet for additional signatures)

Adjacent Property Owners TYPED Name

Address

Signature

**NOTICE:**

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

**AGENT:**

Typed Name William D. Swift  
590 Lincoln Tower  
Fort Wayne, IN 46802

Address / City / State / Zip Code

(219) 423-4422

Phone Number



OWNERS OF ADJACENT PROPERTY:

TYPED name

Address

Signature

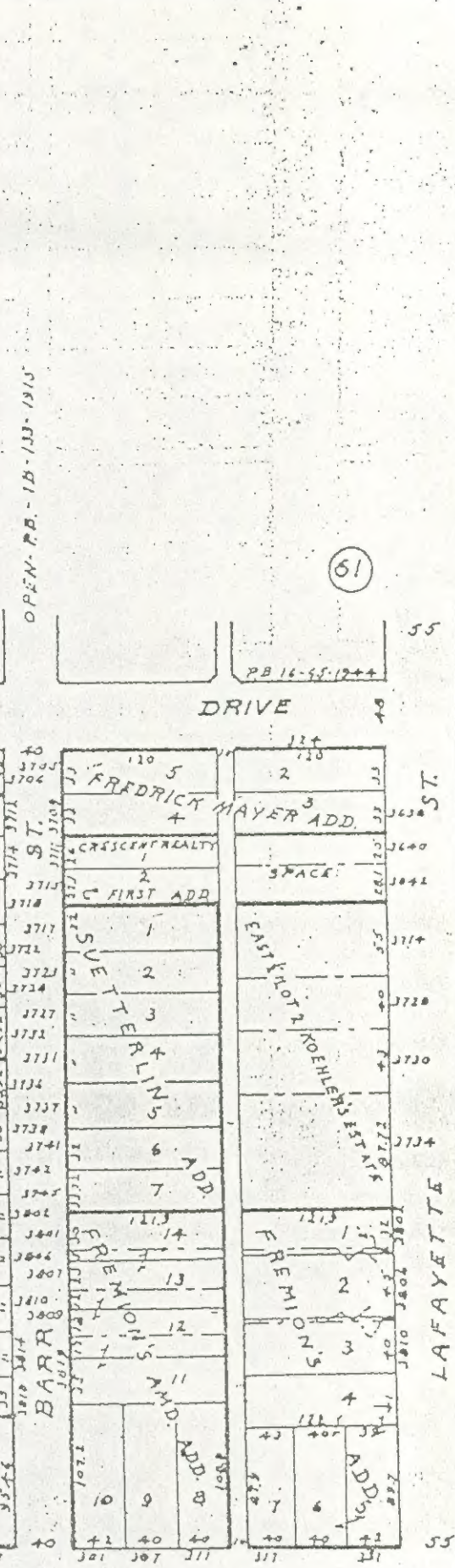
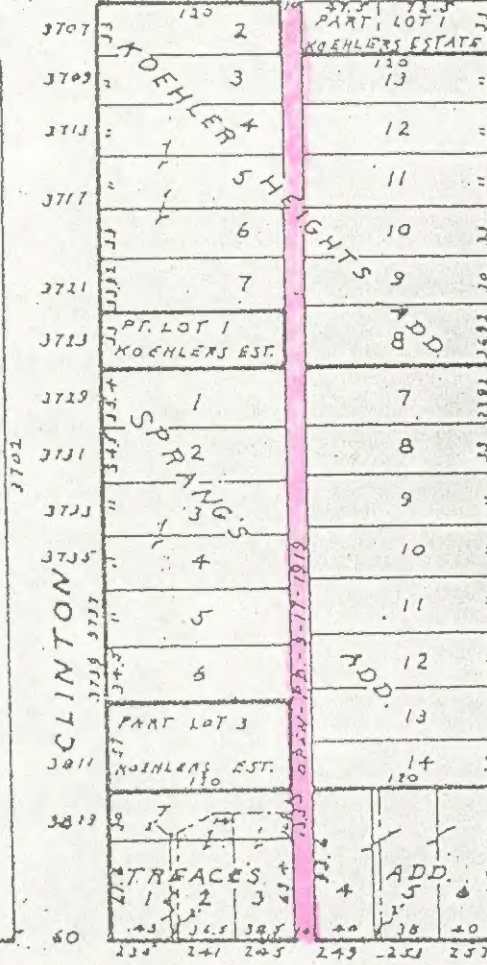
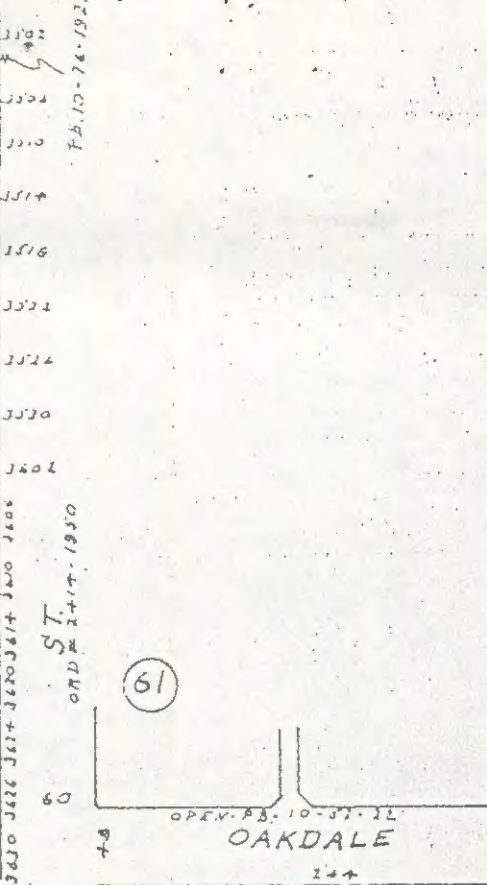
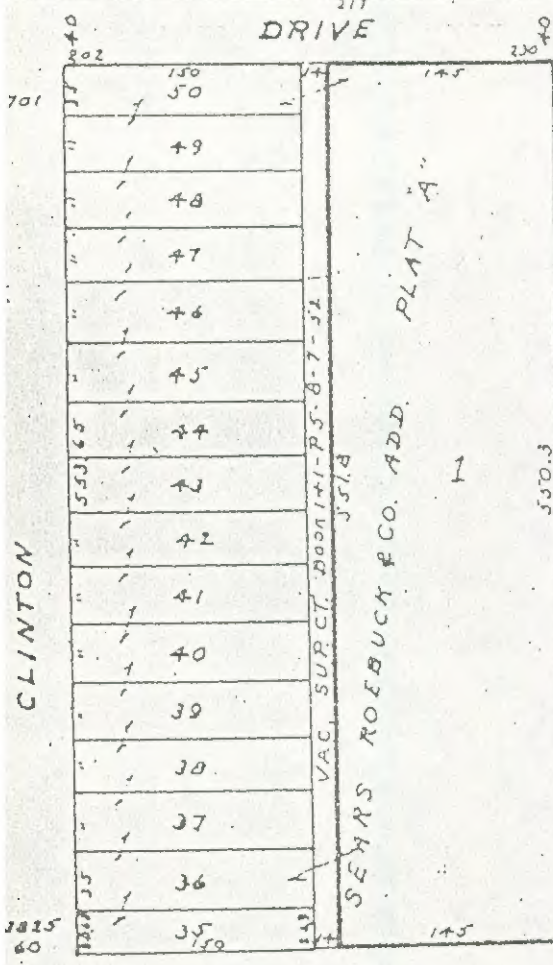
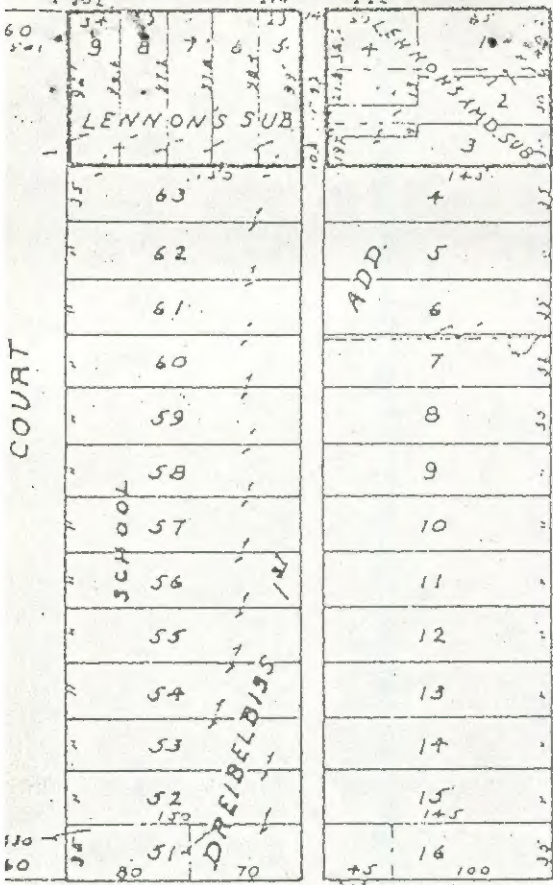
\_\_\_\_\_  
Owner, Lots 2 & 3  
Koehler Heights Addition

\_\_\_\_\_  
Owner, Lot 4  
Treace's Addition



COURT

CLINTON



BLVD.



## RESOLUTION 78-16-3

WHEREAS, RUDISILL PLAZA ASSOCIATES AN INDIANA GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

Commencing at the northeast corner of Lot 2 in Koehler Heights Addition to the City of Fort Wayne; thence south along the east line of Lots 2 through 7 in Koehler Heights Addition, the east line of the portion of Lot 1 Koehler Estates lying south of Lot 7 Koehler Heights Addition and north of Lot 1 Sprang's Addition, the east line of Lots 1 through 6 in Sprang's Addition the East line of the portion of Lot 3 Koehler Estates lying south of Lot 6 Sprang's Addition and the East line of Lots 7 and 3 Treace's Addition to the southwest corner of Lot 3 Treace's Addition; thence east to the southwest corner of Lot 4 Treace's Addition; thence North along the West line of Lot 4 Treace's Addition, the west line of Lots 14, 13, 12, 11, 10, 9, 8 and 7 in Sprang's Addition, the west line of Lots 8 through 13 in Koehler Heights Addition, and the west line of that part of Lot 1 Koehler Estates lying north of Lot 13 Koehler Heights Addition to the northwest corner of said tract; thence west to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Angela S. Berheemier, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held January 18, 1989 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 18<sup>th</sup> DAY OF January 1989  
FORT WAYNE BOARD OF PUBLIC WORKS



72

WHEREAS, RUDISILL PLAZA ASSOCIATES AN INDIANA GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

Commencing at the northeast corner of Lot 2 in Koehler Heights Addition to the City of Fort Wayne; thence south along the east line of Lots 2 through 7 in Koehler Heights Addition, the east line of the portion of Lot 1 Koehler Estates lying south of Lot 7 Koehler Heights Addition and north of Lot 1 Sprang's Addition, the east line of Lots 1 through 6 in Sprang's Addition the East line of the portion of Lot 3 Koehler Estates lying south of Lot 6 Sprang's Addition and the East line of Lots 7 and 3 Treace's Addition to the southwest corner of Lot 3 Treace's Addition; thence east to the southwest corner of Lot 4 Treace's Addition; thence North along the West line of Lot 4 Treace's Addition, the west line of Lots 14, 13, 12, 11, 10, 9, 8 and 7 in Sprang's Addition, the west line of Lots 8 through 13 in Koehler Heights Addition, and the west line of that part of Lot 1 Koehler Estates lying north of Lot 13 Koehler Heights Addition to the northwest corner of said tract; thence west to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 17, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan



Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 24, 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 12 DAY OF January 1989

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner  
Robert Hutner  
Secretary



**FACT SHEET**

G-88-10-09

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Alley Vacation Ordinance

**DETAILS****Specific Location and/or Address**

The North/South alley from Oakdale to Rudisill, east of Clinton Street.

**Reason for Project**

Parking Lot

**Discussion (Including relationship to other Council actions)**6 March 1989 - Business Meeting

This vacation petition was given a "Conditional Approval" on October 24, 1988, contingent upon the petitioners getting the signatures of all of the abutting property owners, and granting utility easements or relocations as required. Apparently the petitioner has been unable to get all of the signatures required, and therefore would like to amend the petition.

The proposed amendment would leave about 190 feet of public alleyway extending north from Rudisill Blvd. Failing to vacate this relatively small portion of the existing alleyway should have little or no impact on the merits of the overall petition.

Motion was made and seconded that this ordinance be given a DO PASS recommendation contingent upon the petitioner granting easemnts or causing utility relocations as needed.

Of the eight (8) members present seven (7)

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Rudisill Plaza Associates  
City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**

☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



**DETAILS**

**POLICY/PROGRAM IMPACT**

voted for the motion, one (1) did not vote.  
Motion carried.

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 16 September 1988

**Projected Completion or Occupancy**

**Date** 16 March 1989

**Fact Sheet Prepared by**

**Date** 16 March 1989

Patricia Biancaniello

**Reviewed by**

**Date**

*March 21, 1989*

**Reference or Case Number**



**FACT SHEET**

G-88-10-09

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Alley Vacation Ordinance

**DETAILS****Specific Location and/or Address**

N/S alley lying between Dakdale Dr,  
Clinton St, Barr St & Rudisill Bl

**Reason for Project**

Parking Lot

**Discussion (Including relationship to other Council actions)**17 October 1988 - Public Hearing

William Swift, attorney for the petitioners stated that the alley vacation was being done in conjunction with the renovation of the old Sears Building immediately to the west of the alley. He stated that all of the adjacent property owners had signed the petition with the exception of the Clark Station on the corner of Barr & Rudisill. He stated that they had simultaneously filed with the Board of Zoning Appeals for a contingent use to permit the area to be used for parking. He stated that all of the property east of the alley is zoned residentially, the property west of the alley is zoned commercially. He stated that one of the staff conditions is that all adjacent property owners sign the petition. He stated that the owners of the Clark Station have verbally consented to it but they have not returned the paper work.

Wil Smith questioned if there was any involvement of the Neighborhood Association.

Mr. Swift stated that they own all of the houses on the adjacent lots and they did not

**POSITIONS****RECOMMENDATIONS**

|  |  |
|--|--|
| <b>Sponsor</b>   | City Plan Commission   |
| <b>Area Affected</b>   | City Wide<br><br>Other Areas   |
| <b>Applicants/<br/>Proponents</b>                              | Applicant(s)<br>Rudisill Plaza Associates<br><br>City Department<br><br>Other  |
| <b>Opponents</b>   | Groups or Individuals<br><br>Basis of Opposition   |
| <b>Staff<br/>Recommendation</b>                                | <input checked="" type="checkbox"/> For <input type="checkbox"/> Against<br><br>Reason Against   |
| <b>Board or<br/>Commission<br/>Recommendation</b>              | By<br><br><input checked="" type="checkbox"/> For <input type="checkbox"/> Against<br><input type="checkbox"/> No Action Taken<br><input type="checkbox"/> For with revisions to conditions<br>(See Details column for conditions) |
| <b>CITY COUNCIL<br/>ACTIONS<br/>(For Council<br/>use only)</b> | <input type="checkbox"/> Pass <input type="checkbox"/> Other<br><input type="checkbox"/> Pass (as<br>amended) <input type="checkbox"/> Hold<br><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass          |



# DETAILS

feel that this request would affect anyone's use. He stated that the alley only services that block. He stated they have purchased all of the real estate in this block with the exception of the barber shop on Clinton Street and the Clark Station. He stated that the barber shop owner has consented to the vacation. He stated that they would present the plans for the parking lot to the Neighborhood Association when it comes before the Board of Zoning Appeals. He stated that they do intend to explain their plans for screening and fencing and access to the lot at that time.

Mark Gensic questioned what utilities were in the easement.

John Tippman, one of the partners of the Rudisill Plaza Associates, stated that the only ones he knew of were over head power lines.

It was pointed out by staff that there was a public sewer in the alley.

Mr. Swift stated that they have agreed to negotiate with the utility companies and relocate any utilities as necessary at the owner's expense.

Mel Smith questioned what would happen to the homes along this alley that have garages in the rear.

Mr. Swift stated that they own all of the homes along the alley and their intention if the alley is vacated and the BZA approves the request for parking is to tear the houses down. He stated they are working with the city to try and save some of the homes and possibly

## POLICY/PROGRAM IMPACT

|                               |                             |                              |
|-------------------------------|-----------------------------|------------------------------|
| Policy or Program Change      | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
|                               |                             |                              |
|                               |                             |                              |
| Operational Impact Assessment |                             |                              |
|                               |                             |                              |
|                               |                             |                              |

(This space for further discussion)

relocate them, but some have already been condemned and demolished.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation request.

24 October 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:

1) All current property owners must indicate their approval of the vacation by signing the petition; 2) Petitioner must provide utility easements as needed, or bear the costs of relocation of utility services.

Of the nine (9) members present eight (8) voted in favor of the motion, one (1) did not vote.

Motion carried.

NOTE: The petitioner has satisfied Condition #2 - easements have been granted as needed and they have agreed to bear the cost of relocating utility service. However, the petitioner has not been able to secure the signatures of all adjacent property owners. He has requested the Commission to forward this request to Council and when it appears on Council agenda he will request the Council to amend the petition to delete that portion of the alley from the request that they are unable to secure the signature of the adjacent property owner.

Project Start Date 9-16-88

Projected Completion or Occupancy Date 1-12-89

Fact Sheet Prepared by Date 1-12-89

Patricia Biancaniello

Reviewed by

*[Signature]*

Date

Jan. 25, 1989

Reference or Case Number



ORIGINAL

ORIGINAL

**DIGEST SHEET**

#371  
**TITLE OF ORDINANCE** Alley Vacation Ordinance

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - CD&P

**SYNOPSIS OF ORDINANCE** North/South alley lying between, Oakdale Drive, Rudisill Blvd., Clinton and Barr Streets.

*2-88-10-09*

*(as amended)*

**EFFECT OF PASSAGE** Property is presently dedicated right of way. Property will be vacated and revert to the adjacent property owners.

**EFFECT OF NON-PASSAGE** Property will remain dedicated right of way.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_

BILL NO. G-88-10-09

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND  
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Janet G. Bradbury*  
*David C. Long*  
*Samuel Talarico*  
*J. L. H.*

DATED:

*4-11-88*

Sandra E. Kennedy  
City Clerk

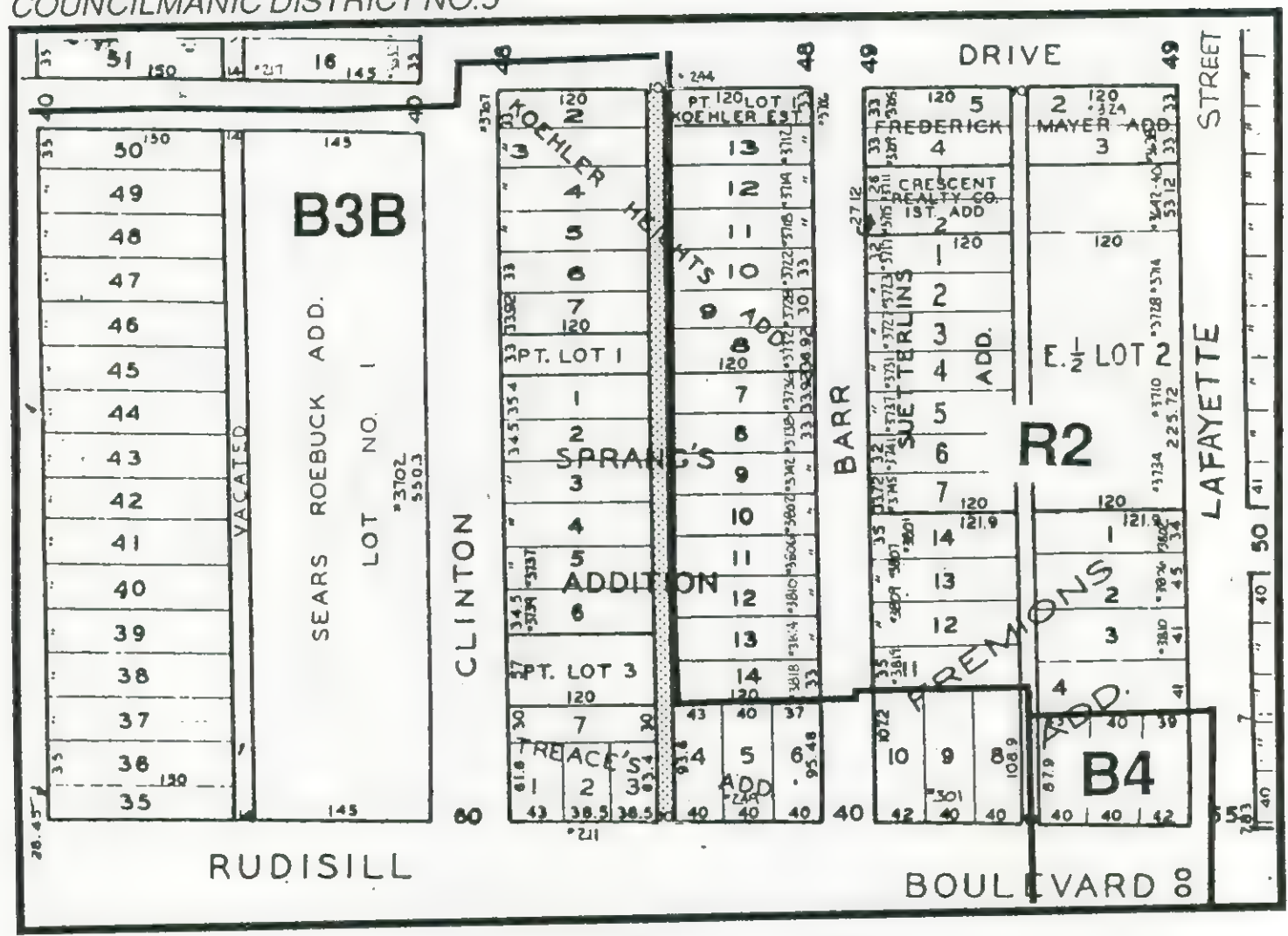


VACATION PETITION #371

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

MAP NO. M-11

COUNCILMANIC DISTRICT NO.5



ZONING:

R2 RESIDENTIAL DISTRICT  
B3B GENERAL BUSINESS "B"

LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: 1"=200'

DATE: 9-22-88





## THE CITY OF FORT WAYNE

March 23, 1989

Ms. Cynthia Wilkins  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the date of March 27, 1989, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
Fort Wayne, IN


Bill No. G-88-08-43  
Alley Vacation Ordinance

Bill No. G-88-10-09  
Alley Vacation Ordinance

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL:2





# THE CITY OF FORT WAYNE

March 23, 1989

William Swift, Attorney  
590 Lincoln Bank Building  
Fort Wayne, IN 46802

## NOTICE OF PUBLIC HEARING ON BILL NO. G-88-10-09

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, April 11, 1989, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

The North/South alley from Oakdale to  
Rudisill, east of Clinton Street -  
Parking Lot

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sandra E. Kennedy  
City Clerk

Fort Wayne Common Council

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-88-10-09)

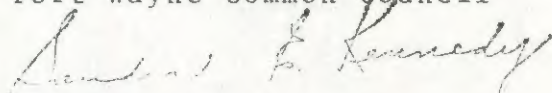
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, April 11, 1989, at 7:00 P.M., in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The North/South alley from Oakdale to Rudisill,  
east of Clinton Street - Parking Lot

Commencing at the intersection of the south right-of-way line of Oakdale Drive and the northeast corner of Lot 2 in Koehler Heights Addition to the City of Fort Wayne; thence south along the east line of Lots 2, 3, 4, 5, 6 and 7 in Koehler Heights Addition; thence continuing south along the east line of the portion of Lot 1 Koehler Estates lying south of Lot 7 Koehler Heights Addition and north of Lot 1 Sprang's Addition; thence continuing south along the east line of Lots 1, 2, 3, 4, and 5 in Sprang's Addition to the southeast corner of Lot 5 in Sprang's Addition; thence east along an extension of the south line of Lot 5 in Sprang's Addition to a point on the west line of Lot 12 in Sprang's Addition; thence north along the west line of Lots 12, 11, 10, 9, 8, and 7 in Sprang's Addition; thence continuing north along the west line of Lots 8, 9, 10, 11, 12 and 13 in Koehler Heights Addition; thence continuing north along the west line of that part of Lot 1 Koehler Estates lying north of Lot 13 in Koehler Heights Addition to the south right-of-way line of Oakdale; thence west to the point of beginning.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council



Sandra E. Kennedy  
City Clerk



Indiana, to-wit:

ing described real estate in Allen County,

The alley vacated by proceedings under Bill No. G-88-10-09, being more specifically described as follows, to-wit:

Commencing at the intersection of the south right-of-way line of Oakdale Drive and the northeast corner of Lot 2 in Koehler Heights Addition to the City of Fort Wayne; thence south along the east line of Lots 2, 3, 4, 5, 6 and 7 in Koehler Heights Addition; thence continuing south along the east line of the portion of Lot 1 Koehler Estates lying south of Lot 7 Koehler Heights Addition and north of Lot 1 Sprang's Addition; thence continuing south along the east line of Lots 1, 2, 3, 4, and 5 in Sprang's Addition to the southeast corner of Lot 5 in Sprang's Addition; thence east along an extension of the south line of Lot 5 in Sprang's Addition to a point on the west line of Lot 12 in Sprang's Addition; thence north along the west line of Lots 12, 11, 10, 9, 8, and 7 in Sprang's Addition; thence continuing north along the west line of Lots 8, 9, 10, 11, 12 and 13 in Koehler Heights Addition; thence continuing north along the west line of that part of Lot 1 Koehler Estates lying north of Lot 13 in Koehler Heights Addition to the south right-of-way line of Oakdale; thence west to the point of beginning.

Agent:

Bill Swift  
590 Lincoln Pl  
of

423-4422



Fort Wayne Common Council  
(Governmental Unit)

To:

The Journal-Gazette

Dr.

Allen County, IndianaP.O. Box 100  
Fort Wayne, IN

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

30

Tail -- number of lines

4

Total number of lines in notice

37

## COMPUTATION OF CHARGES

37 lines, 1 columns wide equals 37 equivalent lines  
at .330 cents per line

\$ 12.21

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 12.21

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Larry ThompsonDate: March 27, 19 89Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time 3/27/89, the dates of publication being as follows:

3/27/89Larry ThompsonSubscribed and sworn to before me this 27th day of March, 19 89.Shelley R. LaRue  
Notary Public

Shelley R. LaRue

My commission expires:

March 3, 1990NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-88-10-09)

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk



Fort Wayne Common Council  
(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100Fort Wayne, IN

Allen County, Indiana

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Clerk

Date: March 27, 19 89

Title:

**PUBLISHER'S AFFIDAVIT**

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

3/27/89

Larry Thompson

Subscribed and sworn to before me this 27th day of March, 1989.

Shelley R. LaRue  
Notary Public

Shelley R. LaRue

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Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk